Air Education and Training Comma

Sustaining the Combat Capability of America's Air Force

U.S. AIR FORCE

JA Involvement in Commander Directed Investigations and Inspector General Inquiries

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Integrity - Service - Excellence

Guard/Reserve "Uniqueness"

- Very complex, rules intensive
  - Status at time of offense
  - Status at time of interview
- When in doubt, consult SJA or SAF/IGQ on status

JA Process (GCM)

- Charges…… Commander
- Article 32 (GCM)…… Art 32 Officer
- Convening Authority……NAF or higher
- Trial……Judge or jury
- Review……NAF or JA

Potentially 5 different sets of "eyes" for every case

Steps to the IG Process

Phase I (Do we take the case?)
- Analysis
- Pre-fact finding

Phase II (Conduct the investigation)
- Fact-finding
- Substantiated or not
- Report writing

Phase III (Report given to sr leadership)
- Command action

Remember…IG findings are based on a single independent IG Completed by a ***"preponderance"*** of the evidence

IG Only Issues

- Fraud, Waste, & Abuse
- Improper Mental Health Referral
- Reprisal
- Senior Officers (O-7 and above, civilian equivalents)
- Issues where there are no other official grievance channels

Restricted Access

- Standard for ***Restricted Access***
  - Unique position of the commander or supervisor
  - Most commonly seen as “perception” of the complainant
    - Words like: *“suggest,” “recommend,” “advise,”*
  - Leave it to the decision of the next person in the chain to grant access

Reprisal

Definition: Taking (or threatening to take) an unfavorable action, or withholding a favorable action for making a protected disclosure. (10 USC 1034)

- ***Protected Disclosure***: member believes they have evidence of a violation of a law or regulation, gross mismanagement, waste of funds, abuse of authority, danger to public health, or sexual harassment
- ***Responsible Official***: Member of Congress, IG, DoD Audit, inspection, investigation organization, LE, MEO, Family Advocacy, or designated CC's in member's *chain of command*

Statements to Command Chief and First Sergeant are NOT protected under the statute

IG v. CDI Investigation

- **IG**
  - Official record
  - Accountable for action
  - IG or trained IO
  - Out of CC's hands
- **JA Involvement**
  - Review allegations
  - Legal review of ROI
  - Advise CC on command action

- **CDI**
  - In-house
  - Your use
  - No "rules"
  - No action required
  - Choice of IO
- **JA Involvement**
  - Help IO w/framing of allegations
  - Review report
  - Advise CC on command action

CDI

- **Guide**
  - http://www.ig.hq.af.mil/
  - Inquiries (SAF/IGQ)
  - Downloads
- **Framing the allegations**
  - Who committed the violation?
  - What violation was committed (or omitted)?
  - What law, directive, instruction, policy or procedure was violated?
  - When did the violation occur?

CDI

- **The 5-Step Process**
  - What are the allegations (complaints)?
  - What are the facts (what happened)?
  - What standards apply (what are the rules)?
  - Were standards violated (was a rule broken)?
  - Who violated the standards?
  - Do any mitigating factors exist?

- **Corroborate and Corroborate**

Take Away Message

- The IG is a command investigating function
- CDIs are similar, but provide the commander with increased flexibility
- Very few things *must* be investigated by the IG
- The SJA is key to either the CDI or IG inquiry